

Feds Float Trinity Plan

By John Driscoll - The Times-Standard
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Hoopa Tribe, Westlands turn up noses.

The federal government has proposed a plan for the Trinity River that -- though already met with resistance from key players -- it says might end persistent litigation.

The plan calls for a range of options during normal and dry years, and would create two reserved slugs of water available for fish at the discretion of water managers. The options could send less water down the river than a congressionally supported plan under suit, or more.

In all but drought years, it would provide more water than what's available under a current order from a federal district court in Fresno.

It is the second attempt to reach a settlement in recent months. Westlands Water District, a key beneficiary of Trinity water that has litigated over the restoration plan for the river, pitched its own settlement in October. That settlement was roundly rejected by the Hoopa Valley Tribe and the U.S. Interior Department. Now the Interior Department has come back with its own plan.

"This is very likely to continue in endless litigation unless we can find a way to break the stalemate," said Bennett Raley, assistant interior secretary for water and science.

Many believe the flows called for in the 2000 restoration plan are the bare minimum needed for salmon in the Trinity River, and the tribe and salmon advocates see it as a compromise.

Both the Hoopa Valley Tribe -- an intervener in the lawsuit -- and Westlands are highly skeptical of the new proposal, Raley said.

"The fundamental thing wrong with it is it doesn't have any science to support it," said Hoopa Fisheries Program Director Mike Orcutt.

He said the 70,000 total acre feet of so-called reserved water -- which would cost between \$5 million and \$7 million -- is an example of reactive management, not proactive management. The water is meant to be on hand in case another Klamath River fish kill, like the one in 2002, appears imminent.

Relying on buying water with an uncertain federal budget isn't a good idea, Orcutt said.

"It's going to rob someone," he said.

The salmon fishery on the Trinity once boasted huge runs of fish, but the construction of the Trinity River project had serious impacts. As much as three-quarters of the Trinity's water from above Lewiston Dam is sent to the Sacramento River, where Central Valley farmers get water for irrigation.

The 2000 authorization of the original long-studied restoration plan was signed by former Interior Secretary Bruce Babbitt. Westlands promptly sued.

When asked if providing a range of flows during normal and dry years might only lead to a yearly fight over water, Raley said, "There are no absolute assurances."

Water managers would look back on each year to determine if the flows met the needs of fish in the river, and adjust the flows during the next year of the same type.

Trinity County planner Tom Stokely, who has worked on the Trinity restoration effort for years, said on the surface there appears to be more water in the Interior plan than in Westlands' proposal.

"There are a lot of unanswered questions about who would make the decisions and how much water there would actually be," Stokely said.

He also said the emergency reserve water would be a moot point if Interior would just recognize Humboldt County's claim to 50,000 acre feet of Trinity water each year.

[Trinity River Home Page](#)